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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/132,327
Filing Date: August 11, 1998
Appellant(s): SAFARS ET AL.

Thomas W. Perkins
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/7/2005 appealing from the Office action mailed 1/7/2005.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments*

The Appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of the Invention*

The summary of the invention in the brief is correct.

(6) *Issues*

The Appellant's statement of the issues contained in the brief is correct.

(7) *Grouping of the Claims*

The following groups of claims stand or fall together: (62-78).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

USPat.# 6,486,895, Robertson et al (11/26/2002, filed on 9/8/1995).

Lemay et al, "Laura Lemay's Web Workshop JavaScript", Sams.net (1996, p.65-69).

USPat.# 6,081,829, Sidana (6/27/2000, filed on 1/31/1996).

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USPat.# 6,233,620, Gish (5/15/2001, filed on 7/2/1996).

USPat.# 5,924,108, Weinberg et al, hereinafter Weinberg (6/13/1999, filed on 3/29/1996).

USPat. # 5,924,108, Fein (7/13/1999, filed on 3/29/1996).

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 75 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al, hereinafter Robertson (Pat.# 6,486,895, 11/26/02, filed on 9/8/95), in view of Sidana (Pat.# 6,081,829, 6/27/00, filed on 1/31/96), further in view of Lemay et al "Laura Lemay's Web Workshop JavaScript" hereinafter Javascript, Sams.net (1996, p.65-69).

Regarding independent claim 75, Robertson teaches the organization of web pages into an electronic book using a book metaphor. The web pages are made up of varied *content sources and forms*, such as audio, video, images, etc. (c.1, L.42-67, c.2, L.14-67, and c.6,L.1-67).

Moreover, Robertson discloses the addition of web pages to a given electronic book. These web pages are converted into software objects that have a common architecture, and

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which perform different specific functions for specifying layout, and to indicate ruffling of the pages (c.2, L.14-67, and c.6,L.10-67).

Moreover, Robertson fails to explicitly disclose *the documents are arranged as pages in chapters*. It would have been obvious to one of ordinary skill in the art to have divided the electronic book into chapters, because Robertson teaches the organization of information in a book metaphor, and the inclusion of chapters would have enabled a user to organize documents (c.1,L.65-c.2,L.50).

Moreover, Robertson fails to explicitly disclose *pagelets being computer programs that perform different specific functions related to the electronic documents in the electronic books...accessing and altering the structure of the electronic book and being distinct from functions accessing contents referenced by the pages of the electronic book*. Sidana discloses the editing, adding, and deleting of annotations to web pages-- *accessing and altering the structure of the electronic book-- using functions or buttons—computer programs-- located in the web pages* (c.7,L.18-67, c.8,L.36-67, and c.9,L.1-67). These functions are different from the functions implemented by the electronic book of Robertson, which manipulate the contents of the web pages in the book. It would have been obvious to one of ordinary skill in the art to have combined the teachings of Robertson, and the functions or buttons (which were programs well known in the art as witnessed by Javascript p.65-69) taught by Sidana, because Sidana teaches about the annotation of web-viewable documents (c.1, L. 33-67). Therefore, the addition of annotations representing a user's comments would provide the benefit of easily annotating web pages, such as the ones in Robertson's electronic book.

Furthermore, Robertson fails to explicitly disclose *electronic book...that are each usable in other electronic books*. It would have been obvious to one of ordinary skill in the art to have

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allowed the pages be used in other books, because Robertson teaches the transfer, and use of the electronic book by other users, and that the web pages are converted into interchangeable/rearrangeable objects, and the use of the page objects would have enabled a user to interchange, and rearrange the page objects without having to convert these page objects (c.6,L.1-67). Thereby allowing the creation of webbooks from the website or catalog of web pages having special functionality to alter the structure of the electronic book.

3. Claims 76-78 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al, hereinafter Robertson (Pat.# 6,486,895, 11/26/02, filed on 9/8/95), in view of Sidana, further in view of Javascript, and further in view of Gish (Pat.# 6,233,620, 5/15/01, filed on 7/2/96).

Regarding independent claim 76, Robertson teaches the conversion, and organization—*arrangement--* of web pages into an electronic book, with a standard interface, using a book metaphor. The web pages are made up of varied *content sources and forms*, such as audio, video, images, etc. (c.1, L.42-67, c.2, L.14-67, and c.6,L.1-67).

Moreover, Robertson discloses the addition of web pages to a given electronic book. These web pages are converted into software objects that have a common architecture, and which perform different specific functions for specifying layout, and to indicate ruffling of the pages (c.2, L.14-67, and c.6,L.10-67).

Moreover, Robertson fails to explicitly disclose *pagelets that are computer programs for altering the arrangement of the electronic book, altering the arrangement of the electronic book by executing one of the pagelets*. Sidana discloses the editing, adding, and deleting of

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annotations to web pages using functions or buttons—*computer programs for altering the arrangement of the electronic book* -- located in the web pages(c.7,L.18-67, c.8,L.36-67, and c.9,L.1-67). These functions are different from the functions implemented by the electronic book of Robertson, which manipulate the contents of the web pages in the book. It would have been obvious to one of ordinary skill in the art to have combined the teachings of Robertson, and the functions or buttons (which were programs well known in the art as witnessed by Javascript p.65-69) taught by Sidana, because Sidana teaches above the annotation of web-viewable documents (c.1, L. 33-67). Therefore, the addition of annotations representing a user's comments would provide the benefit of easily annotating web pages, such as the ones in Robertson's electronic book.

Moreover, Robertson fails to explicitly disclose *the documents are arranged as pages in chapters*. It would have been obvious to one of ordinary skill in the art to have divided the electronic book into chapters, because Robertson teaches the organization of information in a book metaphor, and the inclusion of chapters would have enabled a user to organize documents (c.1,L.65-c.2,L.50).

Furthermore, Robertson fails to explicitly disclose *a standardized interface that is independent of computer languages*. Gish teaches the creation of a presentation interface using platform independent JAVA programming language (c.15,L.20-c.16,L.16). It would have been obvious to one of ordinary skill in the art to have combined the teachings of Robertson, and Gish, because Gish teaches above benefit of the creation of robust, secure, interfaces, which can be shared across multiple platforms, using JAVA.

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Regarding claim 77, which depends on claim 76, Robertson teaches the making of multimedia web pages over the Internet (c.1,L.12-41). These web pages are converted into software objects that have which have a title or description of each page, and then incorporated into an electronic book or catalog (c.2, L.14-67, fig. 11, and c.6,L.10-67). Robertson fails to explicitly disclose *adding the selected pagelet as a page to a catalog*. It would have been obvious to one of ordinary skill in the art to have added the selected pagelets to a catalog or website over the Internet, because Robertson teaches the transfer, and use of the electronic book by other users, and that the web pages are converted into interchangeable/rearrangeable objects (c.6,L.1-67). Thereby allowing the creation of webbooks, which have their own related subjects, and which allow a user to view more than one page at a time.

Claim 78 is directed towards a method for implementing the method found in claim 76, and, therefore is similarly rejected.

4. Claims 62-74 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, in view of Sidana, and further in view of Javascript, further in view of Gish, as applied to claim 76 above, further in view of Weinberg et al, hereinafter Weinberg (Pat.# 5,924,108, 6/13/99, filed on 3/29/96), and further in view of Fein et al, hereinafter Fein (Pat. # 5,924,108, 7/13/99, filed on 3/29/96).

Regarding claim 62, which depends on claim 75, Robertson teaches the indexing and reorganization of web pages, providing navigation information (c.6, L.1-67). Robertson fails to explicitly disclose *searching the internet and adding the search results as new pages, preparing*

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summaries of one or more of the pages, performing statistical analyses, inserting new pages, automatically updating the electronic books. Weinberg teaches the search, adding, performing statistical analyses, and automatic updating of web pages to a web site (abstract, col.24, lines 47-67, col. 26, lines 32-67). Fein teaches the summarizing function for creating the summary of a document (col. 4, lines 29-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine the teachings of Robertson, Weinberg, and Fein, because Weinberg teaches above that these features facilitates document management, and Fein discloses the automatic creation of summaries, which succinctly describe a document's content (col. 2, lines 42-46).

Claims 63-74 are directed towards a method for implementing the method found in claim 62, and are therefore similarly rejected.

(11) Response to Argument

Regarding claim 75, the Appellants state that neither Robertson, nor Sidana teach pagelets that change the structure of the web pages or electronic document (page 6, esp. parag.2). The Examiner disagrees, because Sidana teaches the augmentation—*altering--* of the HTML of a web page by adding several sections to the HTML code of the web page, which include annotating buttons, annotations section for displaying annotations associated with the web page (col.7, lines 18-41, col.8, lines 36-67, col.9, lines 1-67). In this case, the HTML structure of the web page changes by having the annotating buttons, and annotations added to it. This augmentation of the HTML structure would yield a change in the pages of the electronic book of

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Robertson as it would have been obvious to one of ordinary skill in the art at the time of the invention.

The Appellants note that the Examiner did not explain how the editing, adding, and deleting of annotations to web pages using functions or buttons alters the structure of the electronic book in office action mailed on 1/7/2005 (page 7, parag.2). As indicated above, by adding the annotations to the HTML code, the structure of the web pages is augmented or changed. The arrangement of the HTML elements in the web page is altered. Before the web page was annotated, the web page simply has original content in it, but after the annotation data has been added, the HTML code of the new web page comprises the original data plus the added annotation data, and their sections.

Claims 77-78 are rejected at least for the same reasons set forth above.

The Appellants further indicate that it appears that the Examiner regards the catalog as the electronic book (page 8, parag2-3). As explained in the rejection of claim 77(page 7, parag.1, office action mailed on 1/7/05), the catalog is a website having additional pages, with data such as the annotating buttons, and annotations. The website would serve as a source for other users to copy the interchangeable additional pages that were added to the website for creating webbooks, because Robertson teaches the transfer, and use of the interchangeable/rearrangeable web page objects (col.6, lines 1-67). Thus allowing a user customize a webbook, and to quickly view the pages in the webbook using function found in its pages.

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Regarding claim 78, Appellants state that 112, 6th parag. has been invoked when presenting this claim, and that the Examiner did not provide an explanation as to why the prior art elements are equivalent, thereby not establishing a prima facie case of equivalence (page 8, last parag.-page9, parag.2). As disclosed, in the rejection of the equivalent limitation in claim 76, Sidana teaches annotating buttons are added to a web page for annotating the web page (col.7, lines 18-41, col.8, lines 36-67, col.9, lines 1-67), thereby augmenting or changing the arrangement of HTML source code elements in the web page added to the expandable/rearrangeable electronic book taught by Robertson (col.2, lines 14-67, col.6, lines 1-45), and as described in the specification regarding the pagelet adding step in question (esp. page 41, lines 34-38).

Claims 62-74 are rejected at least based on the same reasons given above.

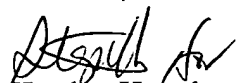
Conclusion

For all of the reasons stated above the Examiner believes that the rejections should be sustained.

Respectfully submitted,



CESAR PAULA
PRIMARY EXAMINER
November 22, 2005



Heather Herndon, SPE 2176
HH(conf.)

Stephen Hong, SPE 2178
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STEPHEN HONG
SUPERVISORY PATENT EXAMINER